

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-216436**DATE:** October 22, 1984**MATTER OF:** Bell & Howell Company**DIGEST:**

Protest filed more than 10 working days
after the protester learned of the denial
of an agency-level protest is untimely.

Bell & Howell Company protests request for proposals (RFP) 8-4-4-22-45005 issued by the National Aeronautics and Space Administration (NASA) for microfiche processing systems. Bell & Howell objects to NASA's decision to require an automated forms overlay feature that the protester says is available from only the manufacturer.

We dismiss the protest, filed with our Office on September 17, 1984, as untimely because it was not filed within 10 working days after Bell & Howell learned of initial adverse action by NASA with respect to an earlier Bell & Howell agency-level protest concerning the same subject.

In disposing of Bell & Howell's initial protest, NASA wrote the firm, clearly stating NASA's reasons for requiring an automatic forms overlay capable of processing at least five pre-recorded forms. NASA's letter states:

"the forms overlays feature is necessary to support NASA's heavy forms workload requirements. . . . The [activity's] computer complex provides around-the-clock computational support for institutional, scientific, and engineering applications. . . . The generation of data products requires extensive parallel processing. . . . Both the scientific and institutional applications require rapid error-free selection of forms overlays. This dynamic production

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environment, which requires frequent forms changes, dictates that operator intervention to select and change forms overlays be minimized to avoid delays and increased costs due to operator error. . . ."

NASA's letter to Bell & Howell is dated August 3, 1984, several weeks before Bell & Howell filed its protest with our Office. Section 21.2(a) of our Bid Protest Procedures, 4 C.F.R. Part 21 (1984), provides for consideration of a complaint filed originally at the agency-level only if a subsequent protest is filed with our Office within 10 working days after the protester obtains knowledge of initial adverse action regarding the agency-level complaint. It is apparent that Bell & Howell's September 17 filing with our Office was not within the required 10-day period.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel